

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2014 DEC -2 PM 4:17

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DILLON WADE THOMPSON,

Petitioner,

v.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:14-CV-0139

**ORDER TO ANSWER**

A Report and Recommendation to deny respondent's motion to dismiss petitioner's application for habeas corpus relief as time barred issued November 7, 2014, and the time for respondent to object has expired. Respondent shall file an answer to the merits of petitioner's application **within thirty (30) days after entry of this Order**, *see* Fed. R. Civ. P. 81(a)(2), answering in substance as required by Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts. Motions for summary judgment are not the preferred method of handling habeas petitions. However, if either party feels a motion for summary judgment is appropriate, the motion shall comply with Local Rules 56.1 et seq., and shall be accompanied by an appendix including all documentation which the party contends supports each assertion made concerning the summary judgment evidence. A true copy of such answer or dispositive motion, together with a copy of any brief filed therewith, shall be served on petitioner by mailing such

instruments to him at his address set out in his petition or to his attorney of record, if any, and a certificate shall be filed with the United States District Clerk evidencing such service.

REPLY: Petitioner may file a reply, should he wish to do so, **within a period of thirty (30) days following service of respondent's answer**. Each paragraph of the reply must specify the precise paragraph or part of respondent's answer to which reply is being made, and is limited to a reply to respondent's argument. Under no circumstances will any statement or argument set forth in a reply be considered as a part of the pleadings so as to advance new grounds for relief or to supplement any ground or supporting facts set out in the petition or amended petition.

A copy of each Order and/or Judgment issued by the Court in this case shall be mailed to petitioner.

IT IS SO ORDERED.

ENTERED this 2nd day of December 2014

  
CLINTON E. AVERITTE  
UNITED STATES MAGISTRATE JUDGE